Postmodernity and Humanitarian Intervention

The Construction of the Humane Nature of Humanitarian Intervention
An Introduction between the Subjectivity and the Objectivity of International Relations Theory

by

NTOVAS C.M. ALEXANDROS
LL.M in International Law and International Relations

“If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to Rwanda, to Srebrenica - to gross and systematic violations of human rights that offend every precept of our common humanity?”

Kofi Anan, 1999, addressing the United Nation General Assembly

“Can we really afford to let each state be the judge of its own right, or duty, to intervene in another state’s internal conflict? If we do, will we not be forced to legitimise Hitler’s championship of the Sudeten Germans or Soviet intervention in Afghanistan?”

Kofi Anan, 1999, addressing the United Nation General Assembly

*I would like to thank Dr. Cynthia Weber for comments and suggestions on an earlier version of this opinion, in the context of my Postgraduate studies.*
An Introduction between...

Admittedly the given question is not easily approachable. A question that contains the term “humane” as an attributive adjective is not an easy one to copy with. Much more a question that additionally contains two attributive adjectives (humane and humanitarian). A question of this kind is getting more confusing when you consider not only this grammatical peculiarity but also the endogenous power of the meaning that words such as Humanity, Humane, and Humanitarian are conveying.

According to Sigmund Freud “each individual perceives the context of a word, differently, depending on the psychological matrices that has developed throughout its existence”¹. To me the word “humane” conveys the meaning of the vacillation between objectivity and subjectivity.

Considering the above, the contention of the present opinion is that “Humanitarian Intervention is a pure action of Humanism. Though, what is interesting, is not how abstract the concept of Humane is, but how this concept is being constructed between subjectivity and objectivity.

Having in mind the above, the present opinion is organised in two main parts. In the first part entitled “...the Subjectivity...” it will be examined the theoretic pedestal for and against humanitarian intervention. To be more specific, it will be explored how the doctrine of humanitarian intervention is being perceived by, and forged from the theoretic dialectic among the three broad traditions of Revolutionism, Rationalism and Realism. In the second part entitled “…the Objectivity…”, it will be argued that the demonstrated Subjectivity presents a number of theoretic deficiencies. Therefore, the idealisation of each subjectivity is misleading. Instead, it will be suggested that, we have to compose the objections arising from each theory, in order to form a new Objectivity. Finally, it will be proposed that the “galvanised composition of the subjectivities”² could establish an objectivity, which justifies the moral concept humanitarian intervention and secures its ethical conduct.

...the Subjectivity...

In our effort to unravel the theoretic threads of humanitarian intervention, we should realise that it is quite difficult to find “water-tight” theoretic compartments (e.g. a well illustrative example would be this of Solidarism and Pluralism being under the English School’s roof). It is preferable, we should refer to ‘rhetorics’ or ‘traditions of thoughts’ rather than theories,

---

¹ The views expressed in this opinion are those of the author alone. They do not necessarily reflect views of the ELIAMEP.
³ It should be clarified that by saying “galvanised composition of the objections” we are referring to the “post-deconstructive reconstruction” of the Objectivity. To be more specific, each theory supports an Objectivity (i.e. Realism and National Interest). But what is Objectivity for the proponents of Realism, could be Subjectivity for the opponents of Realism, and therefore an objection. The post-deconstructive reconstruction of the Objectivity suggests in this sense that the construction of an Objectivity should follow the prior deconstruction of a Subjectivity. In other words we deconstruct the way that a concept is built up and not the concept itself.
because it has been widely admitted that there is no discrete body or international theory separable from legal, historical and philosophical forms of knowledge. Besides, as Holzgrefe JL underlines, “The arguments for or against the humanitarian intervention are classified in a wide variety of ways, categorisations, taxonomies and there is no single dichotomy capturing adequately all the important differences between the principal views.” Notwithstanding, we should present below a brief, though overall, picture of these subjectivities.

Relativity and Subjectivity are two terms mentioned in the present induction and which will help us to make up this picture. Considering that the two terms are being used excessively, it would be vital to make a distinction between them for the purposes of the present opinion. Relativity is referring to our ability to approach and study a particular phenomenon, whilst Subjectivity is the outcome of the intercourse between us (the subjects) and the phenomenon (the object).

The debate over humanitarian intervention mainly consists of four questions: (a) is the humanitarian intervention compatible with international law, and if it is, (b) when it must take place, (c) by whom, and (c) how? These four questions compose the starting-point, and as it has been already mentioned above these questions form the object of the study in the phenomenon of humanitarian intervention. As Bellamy AJ suggests that in this debate we could distinguish three major traditions of thought: Revolutionism, Realism and Rationalism. These traditions constitute what herein are termed as Subjectivities. At this point we should proceed with a brief analysis of these traditions.

At the core of Revolutionism we find (what the British Prime Minister T. Blair during the humanitarian intervention of NATO in Kosovo called) the “values of civilisation and justice.” The values of civilisation and justice are referring to a common morality, which has been developed within a human (or Universal) community and its philosophical roots can be found in Kant’s “principle of respect”. The particular principle suggests that each person must respect the agency of every other... and... everybody ought to live no matter what the mores of his neighbours might be. This solidaristic belief of Revolutionism manages to amalgamate smoothly the pre-modern and post-modern way of thinking. Kant’s “principle of respect” is closely associated with what Gibbins JR. and Reimer B. introduce as post-modern value orientation and which they define as “the belief that every person ought to be able to be what they want to be”.

Although the aforementioned universalistic dogma may be general or vague, the proponents of Revolutionism assert that it forms a tangible humanitarian floor. This floor consists of numerous universal, regional and national declarations, acts, bills, covenants, etc. But basically has been expressed by the Universal Declaration of Human Rights (1948), the

---


The philosophical Universalism dictates the naturalist view of the international law\(^{10}\), which maintains that the promotion of human rights as principle is above other rules or values including consent among states; therefore an action of humanitarian intervention is legal regardless of whether particular states agree\(^{11}\).

More specifically, the Universal community must approach “naturally” the international law when the above-mentioned humanitarian floor has been breached, or in other words when we are standing in front of a humanitarian crisis\(^{12}\) which incarnates a “just cause” for humanitarian intervention\(^{13}\). For the most cautious scholars of international relations theory, a humanitarian crisis is presented only in cases of genocide\(^{14}\). Other scholars include the occasions where occur “massive violations of human rights, including deliberate policies of barbarism, famines massive breakdowns of law and order, epidemics and vast currents of refugees”\(^{15}\). From the Solidarists’ point of view the ‘just cause’ for humanitarian intervention should not be only the end of a supreme humanitarian emergency\(^{16}\) but also the prevention of such humanitarian disasters, in the sense that the intervention might come too late to save those who need it\(^{17}\).

However, the third question of “who shall intervene in the name of humanity?” has been perceived to be the Trojan horse that disputes partially the efficacy of the Revolutionist tradition. The proponents of Revolutionism when they come to answer the who?-question, put the matter indistinguishably. The defenders of humanitarian intervention claim that it should be carried out by an “international organisation a state, or an alliance of states acting collectively under the authorisation of the international organisation...”\(^{18}\). But they do not answer which this organisation should be when apparently the pictured one (United Nations) remains deadlocked, in a state of inertia, or as Wheeler NJ put it “when we are witnessing the circumventing of the UN’s Security Council”\(^{19}\).

Instead of answering directly the “who? - question” the proponents of Revolutionism tend to answer the “how?-question”, by transposing their response from “if you cannot appoint a


\(^{10}\) Holzgrefe(2003)9.

\(^{11}\) Carey(2002)40.


\(^{16}\) Wheeler (2002a)34.

\(^{17}\) Ibid. 34.


commonly accepted and capable agent for the job” into “we can set the criteria for every
volunteer-agent to get the job done correctly”. This transposition is made by using the
dogma of Act-utilitarianism. According to act-utilitarians (or consequentialists) the ‘goodness
or rightness’ of an action is assessed by the extent to which it promotes a desirable outcome
More specifically revolutionists adopt a number of criteria for the establishment of an
ethical conduct of humanitarian intervention in order to secure this ‘goodness and rightness’.
Between (a) the list of principles (inter alia responsibility to protect, right intention…) made
by the International Commission on Intervention and State Sovereignty and (b) the
elaborate enumeration of 15(!) factors for consideration by Baehr PR, Wheeler NJ propose
the four thresholds (of the Just War) for the humanitarian intervention. Namely, these are
the Just cause, last resort, proportionality and high probability of positive outcome.

If Revolutionism could bee seen as being the centre in a circle of permissiveness for the
humanitarian intervention then the traditions of Rationalism and Realism would be the limits
of this circle. In the sense, that their limitations regard the doctrine of humanitarian
intervention as an exception in the conduct of international relations and not as an
established rule.

Rationalism as a wide tradition of thought espouses mainly the theories of Pluralism,
Positivism and to great extent the cautiousness of Marxism. The proposed (by the
revolutionists) dogma of Universalism or Cosmopolitanism is pounced upon the rationalists’
Communitarianism and Cultural Relativism approach, which maintains that “individuals are
embedded within communities which ground their moral principles and consequently ethic
norms are morally binding as long as they fit the cultural beliefs and practices of specific
communities” This perception on the relativist approach of culture is well illustrated, as
Bellamy AJ points out, by the Asian debate in which “several Asian states argued that Asian
society prioritised the rights of the group over those of the individual”.

The starting-point of Rationalism (the rationale) is the preservation of the State (through the
respect of its sovereignty) as the cornerstone of the international society. As Walzer M.
argues “international community is constituted by a rule-governed framework that enables
sovereigns to protect the values of individual life and communal liberty” and that rule is
the respect of States’ sovereignty as deriving from the positivist approach of article 2 of the
UN’s Charter, or as Chesterman S argues that “there is no right of humanitarian
intervention in either the UN Charter or the customary international law”.

---

21 Clarke N. J. “Ethics and Humanitarian Intervention” Global Society Journal of Interdisciplinary International
22 Welsh(2002)514-517
24 Wheeler N.J. “Saving Strangers – Humanitarian Intervention in International Society”, Oxford University
27 Wheeler (2002 a)27.
29 Chesterman S. “Just War or Just Peace? – Humanitarian Intervention and International Law”, Oxford
Any breach of this rule in violation of States’ consensus that underpins the international community would (a) undermine the domestic order and the State’s structure which are essential for the protection of human rights and (b) consequently would jeopardise the world order because it would lead to recidivism among States and vigilantism.

Finally, and in addition to the positivist argumentation, the Rationalism incorporates also the Marxism’s cautiousness of Neo-imperialism. Many countries in the developing world are seeing the concept of humanitarian intervention as a pretext for their exploitation by the capitalist interests, against which the only thing they have to oppose is the legally protected right of sovereignty.

**Realism** is the third tradition in the debate over humanitarian intervention and it seems to keep itself at some distance from the ‘quarrel’ which rages between the Revolutionists/Solidarists and Rationalists/Pluralists. Besides, this ‘quarrel’ further seems to present more the characteristics of a schism (because the two sides share common points such as the concept of a functionally centralised international society, the notion of thin/thick morality, and the natural/positive consensus) than those characteristics which presented in rival theories.

Realism away from this polarising dialectic, demonstrates admittedly a scepticism about humanitarian intervention but nonetheless a marked selectivity which entitle the extreme opponents of humanitarian intervention to claim that is generally an inconsistent and a-moral practice and a policy of double standards.

Realism produces instrumentalist and sceptical objections to humanitarian intervention. To begin with the latter, realists regard that the use of force in favour of humanitarian purposes is a “distorted and inappropriate understanding of morality and hence an improper use of it in foreign affairs”. Far from being pacifists, realists claim that the association of morality with the international relations is dangerously disorientating and therefore ineffective.

Realists assert that “States must not intervene by risking soldiers’ lives or incurs significant economic costs, unless vital interests are at stake”. Besides, “humanitarian intervention never helps to maximise a State’s power and does not usually further the national interest of the intervening State”, with unpredictable consequences due to the difficulty for quick disengagement from such situations. On the contrary, humanitarian interventions could lead inevitably to a growing and perpetual military involvement in dozen of countries around the

---

world, causing not only the over-stretched of states’ power but also disruptive effects to the world order.

...And the Objectivity...

The term Objectivity, in the present opinion is trying to describe the deficiencies of each tradition, i.e. those elements that each Subjectivity fails to explain. For the purposes of the present opinion, it would be useful to term these deficiencies as ‘traditional disruptions’. More specifically, these traditional disruptions are proceeding mainly from three areas. Namely, these are the debates between: (a) sovereignty and consensus, (b) order and justice, and (c) national and universal interest.

The first traditional aberration is referring to the interrelation between sovereignty and consensus. Admittedly, the issue causes great controversy, which could be depicted by the following quotations, both taken by speeches of Kofi Annan:

“If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to Rwanda, to Srebrenica- to gross and systematic violations of human rights that offend every precept of our common humanity?”

“Can we really afford to let each state be the judge of its own right, or duty, to intervene in another state’s internal conflict? If we do, will we not be forced to legitimise Hitler’s champion-ship of the Sudeten Germans or Soviet intervention in Afghanistan?”

Undeniably, the General – Secretary of United Nations does not speak with two tongues, but it manages to present this traditional disruption quite well. More specifically the association between consensus and sovereignty lies on their bi-directional relation. Consensus can be extracted only from a sovereign subject and on the other hand Sovereignty can secure the sincere and true consensus. As it has been mentioned the debate over consensus and consequently over sovereignty is located between the Solidarism – Pluralism schism. Solidarism naturalist projection of consensus is referring to the ideal or social contractarianism of universal individuals who consent to, and form a common morality. But is this practically feasible? If we would say that the General Assembly of United Nations to some extent is more close to this notion of universal contractarianism, how strong is its voice in front of United Nations’ Security Council, or how strong is the voice of European Parliament in front of European Council? For that reason pluralists assert that instead of the notion of universal contract, there is only a “global covenant” among States which are the foundation for international order. This global covenant incorporates peoples’ consensus not through a social contract among them, but through the ‘fit’ between them and their

---

governments. Through this fit and consequently through the global covenant is not only being preserved the international order but much more the domestic order which is essential for the attainment of other values, including human rights. Besides, only within States’ structure can be achieved the protection of human rights and the inner social change and not by a foreign invasion.

But can States oppose their sovereignty as the ultimate rule of international law, when at the same time they are oppressing and murdering the legitimising source of this sovereignty: their people? As Teson F. argues “States who seriously violate those rights undermine the one reason that justifies their political power and thus should not be protected by international law” Such actions provide no ground for doubting either the existence of ‘fit’ or the legitimacy of the State, and hence no warrant for overriding the principle of non-intervention. In such cases, even the most cautious State can recognise the neutralisation of the sovereignty due to the absent of genuine consensus, and to say so, as Bellamy AJ underlines that “the Chinese government [in the context of the United Nations Security Council] authorised the US-led intervention in Somalia only because the Somali State had no sovereignty to breach.”

In addition, Rationalism’s assumption of the centrality of State within international society and consequently the assumptions of the imperative respect of States’ sovereignty as a prerequisite of the international order are heavily disputed by the turmoil of the globalisation and processes which are changing the nature of the territorial Nation State as well as...changing the values and the political institutions. The Westphalian order nowadays witness the dilution of its sovereignty vis à vis other institutions and consequently the emergence of a new consensus, which is not any more associated with the structural facilitation of the State.

The traditional disruptions of Revolutionism and Rationalism must be discernible by now. Revolutionism is not able (so far) to demonstrate the efficacy (in terms of functionality) and the genuineness of the universal contractarianism. On the other hand Rationalism fails to justify the Westphalian raison d’état.

The second traditional disruption is associated with the dilemma between order and justice. The opponents of the interventionist doctrine maintain that “humanitarian intervention undermines the global stability both by the very act of intervening and by creating a dangerous precedent that lends itself to abuse by aggressive States”. More specifically, the wake of intervention threatens to introduce a form of vigintalism to States that fear they

---

51 Slater(1986)89.
may become targets of an intervention used as pretext (in the absence of an impartial arbitral mechanism) of covered national self interest ⁵⁷. In addition, they assert that the revolutionist consequentialism can rarely guarantee that the end sought will always result from the means employed ⁵⁸ and is more likely to create more problems than it solves by leading recidivism and chaos ⁵⁹.

Revolutionism/Solidarism, on the other hand, resting on the Kantian notion of global solidarity (the linking of the idea of the national and international peace with the idea of promoting and protecting individual human dignity) ⁶⁰ assert that the “order vs. justice” should not be seen as dividing line but as complementary relation. As Wheeler NJ argues “rather than see order and justice locked in a perennial tension, Solidarism looks to the possibility of overcoming this conflict by developing practices that recognise the mutual interdependence between the two claims”⁶¹. To say so, the Resolution 688(1991) of United Nation’s Security Council referring to the Iraqi invasion in Kuwait underlines that the oppression of human rights is at least as likely to generate instability and chaos as domestic strife and violence risk spreading rapidly beyond borders ⁶².

Regarding all these, we should say that the disruptions of both traditions arising from the fact that their assumptions do not justify their proclaimed axiomatic rigidity.


On the other hand, the traditional disruptions of Revolutionism are illustrated by three ongoing situations. Firstly, by the international tolerance for Turkish atrocities and the ethnic cleansing against Kurds ⁶⁴. Secondly, the brutal Russian operations against Chechens and thirdly, the Chinese suppression of Tibetan people⁶⁵. In the above-mentioned cases a revolutionist humanitarian intervention in Turkey, Russia and China would lead to international order?

Finally, the third disruption is deriving from the realist tradition of thought. As we have said Realism theorises humanitarian intervention as an immoral foreign policy and heavily disorientated unless it serves vital national interests. This “statically entrenched definition” of the national interest as history proved in the worst way, after the 9/11 underlines the realist traditional disruption. Which example would be more dramatically illustrative than the one that Ignatieff M. offers (?):
“Having washed its hands of Afghanistan after the Soviet departure, the United States spent the 1990s conceiving of Afghanistan as a humanitarian or human rights disaster zone, failing to notice that it was rapidly becoming a national security nightmare, a training ground for terror. Nothing enfeebled American policy more in the 1990s than the refusal to notice that untended human rights and humanitarian crises have a way of becoming national security threats.”

The 9/11 may be able to demonstrate mainly two things. Firstly that the Kantian principle on ‘global solidarity’, under specific circumstances, not only could establish a “global distributive justice” but also a ‘globally distributive injustice’. Secondly, and consequently, that globalisation challenges the traditional conception of the national interest as its pursuit in our globalised world demands attention to new sources of instability, even if they are within the domestic jurisdiction of other states.

Before we proceed to the last lines of the present opinion, it would be useful to gather some points. As it has been clear in this brief analysis, the three traditions of thought offer different and quite diverging Subjectivities, concerning the issues of: Consensus, Sovereignty, Order, Justice and National interest. Though, the Objectivity presented a totally different picture. As it has been mentioned in the introduction the Objectivity consists of the galvanised composition of the traditional disruptions, which in other words is the post-deconstructive reconstruction of the traditional objections. This post-deconstructive reconstructive process has not refuted the concepts of: Consensus, Sovereignty, Order, Justice and National interest, but it challenged the way that these concepts have been constructed. The era of globalisation suggests that the way we ought to approach and study phenomena is not through the ‘static distance’ that foundational theories offer but through the dynamic of the reflection. The process of the post-deconstructive reconstruction is a reflective process. A process that reflects the daily reality and therefore more trustful.

The initial starting point of the present opinion was the question of ‘How Humane is the Humanitarian Intervention?’ Every answer that responds this question would be subjective and therefore insufficient for the sole reason that, this answer would respond the question through a ‘static theoretic distance’ and consequently it would generate traditional disruptions. In my point of view the post-deconstructive reconstructed Objectivity calls for a further reflective approach, in order not to answer the question of ‘How Humane is the Humanitarian Intervention?’ but the question ‘How is being constructed a Humane Humanitarian Intervention?’.

In doing so, we have to combine the Consequentialist reasoning (moral concept) with the Deontological Reasoning (ethical conduct). Besides, as Tharoor S. and Daws S. stress “in practice humanitarian Intervention has never been free of both good and bad effects”. This approach is incarnated in Just War’s criteria, which to my understanding, they offer the answers to the Objectivity. More specifically:

The ‘Just Cause’ criterion, incorporating the revolutionist’s concept on supreme humanitarian intervention, as "the occasion in which the only hope of saving lives depends on outsiders coming to the rescue"\(^{70}\). Secondly, the ‘Last Resort’ criterion which dictates the make of serious efforts at peaceful resolutions before resorting to the use of force\(^{71}\), embeds the rationalists argumentation on the respect of states’ sovereignty and therefore any use of force which would violate this sovereignty should be done as a last resort. Finally, the third criterion of ‘Proportionality’ and the fourth of the ‘High Probability’ respond to the combination of the Revolutionism’s consequentialism and Realism’s instrumentalist cautiousness. The criterion of Proportionality is referring to the “doctrine of the double effect” \(^{72}\) which dictates that the adjacent losses have to be limited and symmetrical, whilst the criterion of High Probability responds to the fact that the use of force will achieve a positive humanitarian outcome\(^{73}\).

Selected Bibliography


---

\(^{70}\) Wheeler(2002a)34.


\(^{72}\) Teson(2003)115.


